IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1819 OF 2006

Chandrahas Janardhan Patil ...Appellant

Vs.

Kalyanrao Janardhan Patil & Anr. ...Respondents

Mr.Nitil Jamdar for the Appellant
Mr.G.S.Godbole for the Respondent No.1.
Mr.Y.M.Nakhawa,A.G.P. for Respondent No.2

CORAM: A.S.OKA, J.
DATED: AUGUST 14, 2006.

P.C.:

1. Heard Shri Jamdar for the Appellant and Shri Godbole for the Respondent No.1. The Respondent No.1 is the claimant in a Reference under section 18 of the Land Acquisition Act, 1894. By the impugned Judgment and Award, the learned Additional District Judge has partly allowed the Reference and has granted enhancement in compensation which was offered to the first Respondent under an Award made under section 11 of the Land Acquisition Act, 1894. The present Appellant was impleaded as an opponent No.2 in the Reference application before the Reference Court. The contention of the present Appellant is that he is entitled to compensation awarded under section 18 of the said Act of 1894 in respect of the acquired land and therefore, the present Appeal has been preferred.

2. The scope of the Reference under section 18 of the said Act of 1894 made at the instance of first Respondent was confined to the claim of the said Respondent for enhancement in market value. The Appellant had not sought reference. Therefore, only issue which was required to be decided was as regards the market value of the acquired land on the relevant date. In the present appeal, the Appellant has taken exception to the Award by which enhancement in market value is granted in favour of the Respondent No.1. If at all the Appellant has any grievance about the right of the first Respondent to receive compensation, the Appellant has to adopt appropriate proceedings in accordance with law.

3. Hence, Appeal is dismissed with liberty to the Appellant to adopt appropriate proceedings in accordance with law.

Judge.